

**PALM BEACH COUNTY LIBRARY SYSTEM  
GOVERNMENT DOCUMENTS**

**ORDINANCE NO. 2009- 023**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING AND ESTABLISHING A PALM BEACH COUNTY EMPLOYEE VOLUNTARY SEPARATION INCENTIVE PROGRAM; PROVIDING FOR SHORT TITLE; PROVIDING FOR PURPOSE; PROVIDING FOR ELIGIBILITY CRITERIA; PROVIDING FOR VOLUNTARY SEPARATION INCENTIVES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR EFFECTIVE DATE.**

**WHEREAS**, the Palm Beach County Board of County Commissioners has determined that organizational restructuring is periodically necessary to accommodate budgetary restrictions and other County interests; and

**WHEREAS**, the Board of County Commissioners recognizes that one method consistent with this goal is to periodically provide an incentive to certain qualified County employees to voluntarily end their employment with the County by a certain date; and

**WHEREAS**, Section 215.425, Florida Statutes, authorizes the County to provide its employees with a voluntary separation incentive program adopted by County ordinance; and

**WHEREAS**, the Board of County Commissioners has determined that adoption of an ordinance establishing a voluntary separation incentive program is in the public interest and serves a public purpose; and

**WHEREAS**, recalculation of budgetary revenue and the resulting necessity to adjust the budget based on the latest available data have severely constrained the budgetary decision process for FY 2010;

**WHEREAS**, for a voluntary separation incentive program to be an effective tool to address

1 serious and emergent budgetary issues facing the County for FY 2010, immediate enactment of this  
2 ordinance on an emergency basis is critical and necessary; and  
3

4 **WHEREAS**, pursuant to Section 125.66(3), Florida Statutes, the Board of County  
5 Commissioners has, by a four-fifths vote of its membership, waived the notice requirements under  
6 Section 125.66(2), Florida Statutes, declaring that an emergency exists and that immediate enactment  
7 of this ordinance is necessary.  
8

9 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
10 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**  
11

12 **Section 1.**

13 The foregoing "WHEREAS" clauses are hereby adopted and confirmed as being true and  
14 correct and are hereby made a specific part of this ordinance.  
15

16 **Section 2. SHORT TITLE.**

17 The provisions of this ordinance shall be known and cited as the Palm Beach County  
18 Employee Voluntary Separation Incentive Program Ordinance.  
19

20 **Section 3. PURPOSE.**

21 (A) The purpose of this ordinance is to adopt and establish a Voluntary Separation  
22 Incentive Program (hereinafter "VSIP") that serves the budgetary and organizational  
23 interests of the county by authorizing the County Administrator, at his or her  
24 discretion, to periodically offer qualified county employees an incentive to  
25 voluntarily end their employment with the county by a date established by the County  
26 Administrator.  
27

28 (B) This ordinance is not intended to alter or affect any rights, obligations or entitlements  
29 that an employee may have under the Florida Retirement System Act, Chapter 121,

Florida Statutes.

**Section 4. ELIGIBILITY CRITERIA.**

(A) An employee is eligible to participate in the VSIP established and adopted by this ordinance if he or she meets all of the following criteria as of a date established by the County Administrator:

(1) The employee must be a permanent-status, full-time employee of the Palm Beach County Board of County Commissioners.

(2) (a) The employee must be a participant in the Deferred Retirement Option Program (hereinafter "DROP") of the Florida Retirement System (hereinafter "FRS") established by, and administered under, the Florida Retirement System Act, Chapter 121, Florida Statutes; or

(b) The employee must reach his or her normal retirement date as defined under Section 121.021, Florida Statutes, within two(2) years following a date established by the County Administrator. For the purposes of this ordinance, the normal retirement date as defined under Section 121.021, Florida Statutes, shall apply to the employee regardless of whether the employee is a participant in the FRS Pension Plan or the FRS Investment Plan.

(B) Employees electing to participate in the VSIP must agree to voluntarily separate from county employment by a date established by the County Administrator.

(C) The County Administrator, at his or her discretion, may require that employees who agree to voluntarily separate from county employment under the VSIP must also agree to not be rehired as an employee of the Palm Beach County Commissioners for

1 a period of time established by the County Administrator.

2  
3 (D) The County Administrator, at his or her discretion, may require employees electing  
4 to participate in the VSIP to sign a waiver, release, or both, by a date established by  
5 the County Administrator.

6  
7 (E) Any employee who does not meet all of the eligibility criteria set forth in this  
8 ordinance is not eligible to participate in, or receive any benefit from, the VSIP.

9  
10 (F) No employee can participate in the VSIP more than once.

11  
12 **Section 5. VOLUNTARY SEPARATION INCENTIVES.**

13 (A) An eligible employee meeting all necessary criteria who makes a timely election to  
14 voluntarily participate in the VSIP and separates from county employment under the  
15 VSIP will receive the following separation incentives from the county:

16  
17 (1) The county will pay the separated employee the lesser of:

18  
19 (a) Eight(8) weeks of regular pay at the employee's base rate of pay as of  
20 his or her date of separation from county employment under the  
21 VSIP; or

22  
23 (b) If the employee qualifies for the VSIP, in part, because of his or her  
24 participation in DROP, and the employee has less than eight(8) weeks  
25 remaining in DROP following his or her date of separation from  
26 county employment under the VSIP, then the equivalent number of  
27 weeks, or any portion thereof, of regular pay at the employee's base  
28 rate of pay as of his or her date of separation from county  
29 employment under the VSIP that the employee has remaining in

DROP following his or her date of separation from county employment under the VSIP.

(2) The county will pay the separated employee the normal payout due to separation from county employment for the employee's remaining leave balances, as determined by applicable county policy, union agreement, or both.

(3) (a) The separated employee, and any of the separated employee's eligible dependents covered by the county's group health insurance plan as of the employee's date of separation from county employment under the VSIP, can remain on the county's group health insurance plan under the VSIP for the lesser time period of:

(i) Three(3) years following the date the employee separates from county employment under the VSIP; or

(ii) The time period equivalent to, and coterminous with, the separated employee's remaining time left in DROP following the employee's date of separation from county employment under the VSIP, if the employee qualifies for the VSIP, in part, because of his or her participation in DROP.

(b) The extension of county insurance under the VSIP specifically applies to the county's group health insurance plan only, and does not apply to any other insurance or benefits provided by the county.

(c) The county will pay the county's designated portion of the separated employee's county group health insurance premium on behalf of the



1 separated employee and the separated employee's eligible covered  
2 dependents, if any, for county group health insurance coverage under  
3 the VSIP.  
4

5 (d) A separated employee covered by the county's group health insurance  
6 plan under the VSIP must, in a timely manner, pay the county the  
7 same designated portion of his or her county group health insurance  
8 premium that active county employees with like coverage must pay  
9 toward their county group health insurance premium for themselves  
10 and their eligible covered dependents, if any.  
11

12 (e) Any future adjustment initiated by the county to the designated  
13 portion or amount that active county employees must pay toward their  
14 county group health insurance premiums and the designated portion  
15 or amount that the county must pay toward those premiums shall also  
16 apply to any separated employee maintaining county group health  
17 insurance coverage under the VSIP.  
18

19 (f) If a separated employee maintaining county group health insurance  
20 coverage under the VSIP changes coverage or adds any eligible  
21 dependents to the county group health insurance plan under the VSIP,  
22 then the separated employee is responsible for, and must pay the full  
23 amount of, any resulting net increase to the total county health  
24 insurance premium for the separated employee and his or her eligible  
25 covered dependents, if any.  
26

27 (g) Notwithstanding anything in this ordinance to the contrary, county  
28 group health insurance coverage under the VSIP, and the county's  
29 obligation under the VSIP to pay any portion of the county group

1 health insurance premium for and on behalf of the separated  
2 employee and the separated employee's eligible covered dependents,  
3 if any, shall end upon the occurrence of any of the following:

4  
5 (i) The separated employee fails to make payment toward his or  
6 her group health insurance premium as required by the VSIP  
7 within thirty(30) days of the payment due date.

8  
9 (ii) The separated employee obtains any other health insurance  
10 coverage, excepting Medicare or Medicaid, after the  
11 employee's separation from county employment under the  
12 VSIP.

13  
14 (iii) The death of the separated employee.

15  
16 (B) Any offer of voluntary separation incentives conveyed under the VSIP shall remain  
17 open for a limited period of time established at the discretion of the County  
18 Administrator. An employee can only elect to participate in the VSIP while the offer  
19 is open. Upon the expiration of this time period, the offer is closed and an employee  
20 can no longer elect to participate in the VSIP.

21  
22 (C) Any payment or provision of voluntary separation incentives under the VSIP shall  
23 be subject to any and all withholding, reporting and taxes required by law.  
24

25 **Section 6. IMPLEMENTATION.**

26 (A) The County Administrator shall be responsible for implementing the VSIP.

27  
28 (B) The County Administrator, at his or her discretion, shall determine if and when to  
29 implement the VSIP as budgetary and operational needs dictate.

- 1
- 2 (C) The County Administrator, at his or her discretion, may implement the VSIP more
- 3 than once as budgetary and operational needs dictate.
- 4
- 5 (D) Additional duties of the County Administrator in implementing the VSIP shall
- 6 include, but not be limited to, the following:
- 7
- 8 (1) Establish the date that employees must meet all eligibility criteria.
- 9
- 10 (2) Establish the date that any offer of voluntary separation incentives is
- 11 conveyed.
- 12
- 13 (3) Establish the limited time period any offer of voluntary separation incentives
- 14 is open and may be accepted.
- 15
- 16 (4) Establish the date that employees who elect to participate in the VSIP must
- 17 separate from county employment.
- 18
- 19 (5) Determine and confirm that employees accepting any offer of voluntary
- 20 separation incentives under the VSIP, or separated employees receiving any
- 21 benefit from the VSIP, meet all of the criteria for eligibility set forth in this
- 22 ordinance.
- 23
- 24 (6) Determine whether employees electing to participate in the VSIP must agree
- 25 to a waiver or release.
- 26
- 27 (7) Determine whether employees electing to participate in the VSIP must agree
- 28 to not be rehired by the Palm Beach County Board of County Commissioners
- 29 for a specified period of time.



(8) Provide for any forms and documents that the County Administrator, at his or her discretion, deems necessary for the proper implementation of the VSIP.

(9) Establish any other date, deadline, time frame or time period deemed necessary for the proper and efficient implementation of the VSIP.

(10) Establish any other method, measure, policy or procedure deemed necessary for the proper and efficient implementation of the VSIP.

(E) The County Administrator, at his or her discretion, may appoint one or more designees to fulfill any duty or responsibility of the County Administrator under this ordinance.

#### **Section 7. CAPTIONS.**

The captions, section headings, and section designations used in this ordinance are intended for the convenience of users only and shall have no effect in the interpretation of the provisions of this ordinance.

#### **Section 8. REPEAL OF LAWS IN CONFLICT.**

All Palm Beach County ordinances in conflict with any provision of this ordinance are hereby repealed to the extent of any conflict.

#### **Section 9. SEVERABILITY.**

If any section, subsection, paragraph, sentence, clause, phrase, word or provision of this ordinance is for any reason held by the court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

#### **Section 10. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

The provisions of this ordinance shall become and be made a part of the Code of Laws and



Ordinances of Palm Beach County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 11. EFFECTIVE DATE.**

The provisions of this ordinance shall be deemed to be filed and shall take effect when a certified copy has been accepted by the postal authorities of the Government of the United States for special delivery by certified mail to the Florida Department of State for filing.

**APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach County, Florida, on this the 21st day of July, 2009.

**ATTEST:**

**SHARON R. BOCK, CLERK & COMPTROLLER**

By: 

Deputy Clerk

**PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS**

By: 

John F. Koons, Chairman

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

By: 

County Attorney

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk & Comptroller certify  
this to be a true and correct copy of the original  
filed in my office on JUL 21 2009

dated at West Palm Beach, FL on 8-4-2009

By: 

Deputy Clerk

**EFFECTIVE DATE:**

Accepted by the postal authorities of the Government of the United States for special delivery by certified mail to the Florida Department of State on the 27th day of July, 2009.